

J. Peter Staples

From: Stephen Joncus [stephen.joncus@klarquist.com]
Sent: Thursday, May 25, 2006 10:24 AM
To: J. Peter Staples
Cc: Jonathan M. Ward; Michael N. Zachary; Linda Schroeder
Subject: FW: CollegeNET v. ACN

Pete,

I am out of town on another matter, but I wanted to return your mail. We do not have an understanding or an agreement about extensions. Your letter to Michael mischaracterized his communications with you. His proposal was for talking purposes only and was expressly not approved by the client. CollegeNET also does not agree with your explanation that the ACN's framing of CollegeNET's pages was a mistake. That explanation will not be part of any agreement that we reach. CollegeNET also does not agree to confer with ACN about public statements. Given the distance apart that that we appear to be on these subjects, and the fact that both Michael and I are out of town, I am not optimistic that an agreement can be reached.

Steve

From: J. Peter Staples
Sent: Wednesday, May 24, 2006 3:52 PM
To: 'Michael N. Zachary'
Cc: 'jonathon.ward@klarquist.com'
Subject: CollegeNET v. ACN

Michael,

On behalf of ACN I provided the written assurances you outlined. I spoke with Jonathan Ward, and he was unable to grant any extensions, leaving me a message that I will have to wait until you return on Friday. As you know ACN's answer is due next Tuesday and Monday is a holiday. While I believe that we had an understanding about extensions, I am very reluctant to wait until Friday in the event it turns out that we do not have an understanding.

If you are checking your email, I would appreciate some guidance as to whether an extension is forthcoming.

Pete

EXHIBIT 1
Declaration of J. Peter Staples in Support of
Motion for Extension of Time
CollegeNet, Inc. v. A.C.N., Inc., dba
anycollege.net; USDC for OR
Case No. 3:06 CV 00663 PK

5/25/2006